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OPPENHEIMER CINE RENTAL, LLC,
7 OPPENHEIMER CAMERA PRODUCTS, INC.,
and MARTY OPPENHEIMER
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 VOICE INTERNATIONAL, INC., a
12 California corporation; DAVID GROBER,
an individual,

13 Plaintiffs,

14 v.

15 OPPENHEIMER CINE RENTAL, LLC, a
16 Washington corporation; OPPENHEIMER
CAMERA PRODUCTS, INC., a
17 Washington corporation; MARTY
OPPENHEIMER, an individual; and
18 DOES 1-10, inclusive,

19 Defendants.
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Case No.: CV-15-08830-JAK-KS

Hon. Judge John A. Kronstadt

NOTICE OF RELATED CASE

Complaint filed: 11/12/15

NOTICE OF RELATED CASE

1 Pursuant to Local Rule 83-1.3.1, the undersigned counsel of record for
2 Defendants Oppenheimer Cine Rental, LLC, Oppenheimer Camera Products, Inc.,
3 and Marty Oppenheimer (collectively, “Defendants”) hereby state that they believe
4 that the instant, above-captioned action (the “Instant Action”) is related to United
5 States District Court for the Central District of California Civil Action No. 04-CV-
6 08604-JZ-OP, captioned *David Grober and Voice International, Inc. v. Mako*
7 *Products, Inc., et. al.* (the “Mako Products Action”). The Instant Action and the Mako
8 Products Action are related because they (a) arise from the same or closely related
9 transactions, happenings or events; (b) call for determination of the same or
10 substantially related or similar questions of law and fact; and (c) for other reasons that
11 would entail substantial duplication of labor if heard by different judges.

12 The parties are nearly identical in both Actions. The Plaintiffs in the Mako
13 Products Action, David Grober and Voice International, Inc. are the same Plaintiffs as
14 in the Instant Action. The Defendants in the Instant Action also include some of the
15 same Defendants from the Mako Products Action. In the Mako Products Action,
16 Defendant Oppenheimer Cine Rentals was previously a named Defendant just as it is
17 now named as a Defendant in the Instant Action. While Plaintiffs have also named
18 Oppenheimer Camera Products and Marty Oppenheimer as defendants in the Instant
19 Action, neither of those defendants have ever dealt in the accused products.

20 Plaintiffs’ claims are also substantially similar in both Actions. Thus, in the
21 Mako Products Action, Plaintiffs allege that the Defendants in the Mako Products
22 Action allegedly infringe U.S. Patent No. 6,611,622 (“the ‘622 patent”) because they
23 make, sell, lease, or use camera stabilizers sold under the “MakoHead” brand.
24 Identically, in the Instant Action, Plaintiffs allege that the Defendants (in the Instant
25 Action) allegedly infringe the ‘622 patent because they rent or sell the same
26 MakoHead camera stabilizers. This is not in dispute. In fact, in their Complaint (at
27 ¶ 6) in the Instant Action, Plaintiffs specifically allege “[t]he ‘622 patent is the subject
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1 of *Grober v. Mako Products, Inc.*, currently pending in this District as Case No. 2:04-
 2 CV-08604,” just as the ‘622 patent is the subject of the Instant Action.

3 Both the Instant Action and the Mako Products Action also each arise from the
 4 manufacture and/or sale of the MakoHead stabilizer. Both cases entail substantial
 5 overlap with respect to several issues, including questions of law and fact regarding
 6 alleged infringement of the ‘622 patent, questions of law and fact regarding the proper
 7 construction of this same patent and its claims, and questions of law and fact
 8 regarding the validity of these same claims. In addition, at the same time that
 9 Defendants are now filing this Notice of Related Case in the Instant Action, they are
 10 also moving to dismiss this action for lack of personal jurisdiction as they previously
 11 did (in the case of *Oppenheimer Cine Rental*) in the Mako Products Action. In fact,
 12 *Defendant Oppenheimer Cine was previously dismissed in the Mako Products Action*
 13 *for lack of jurisdiction* by another Judge in this District who was the Presiding Judge
 14 in the Mako Products Action. See Exhibit A hereto. Plaintiffs in their Complaint (at
 15 ¶ 6) don’t dispute this. In fact, they specifically allege that “*Oppenheimer Cine was*
 16 *originally a named Defendant in the Mako Products Action.*”

17 Under these circumstances, Plaintiff themselves should have clearly filed a
 18 Notice of Related Case when they filed the Instant Action but failed to do so. In any
 19 event, since the cases call for the determination of similar questions of law and fact,
 20 and because there would be substantial duplication of labor if the two cases were
 21 heard by different judges, the Instant Action should be transferred to the Court hearing
 22 the Mako Products Action for all purposes.

23 Dated: December 10, 2015

FOX ROTHSCHILD LLP

24 By /s/ James E. Doroshow

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Ashe Puri

Attorneys for Defendants,

26 OPPENHEIMER CINE RENTAL, LLC,

27 OPPENHEIMER CAMERA PRODUCTS,

28 INC., AND MARTY OPPENHEIMER

NOTICE OF RELATED CASE